

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 2:18-CR-00292-DWA  
vs. )  
ROBERT BOWERS, )  
Defendant. )

AMBROSE, United States Senior District Judge

**ORDER OF COURT**

The Defendant filed a Motion Requesting the Court to Reconsider Order Denying Forensic Data and "Case File" Discovery. (ECF No. 244). On December 18, 2019, the Defendant filed his initial Motion seeking, *inter alia*, forensic laboratory related discovery pursuant to Rule 16 of the Federal Rules of Evidence. (ECF No. 154). That Motion was denied as to that issue on February 25, 2020. (ECF No. 202). Currently, the Defendant reasserts his request for forensic case litigation packets, specifically those created by Erich Smith relating to firearms/toolmarks, Brett Mills relating to firearms/toolmarks, and Marcy Plaza relating to DNA. (ECF No. 244). Additionally, the Defendant requests the Government be ordered to produce Cell Site Location Information (CSLI) contained in the reports authored by FBI Agent Hauger and/or the Cellular Analysis Survey Team (CAST). According to the Defendant, "[i]nvestigating all aspects of government expert reports...requires access to the underlying bases of the experts' conclusion....[and, therefore,] the defense seeks the underlying bases, testing processes, and results for the government experts' conclusions...." *Id.* p. 9. The Government filed an Opposition largely challenging the timeliness of the Motion and the disclosure. (ECF No. 266). The Defendant filed a Reply. (ECF No. 272). After careful consideration of the submissions of the parties and as discussed at the conference on August 24, 2020, it is ORDERED that said Motion

(ECF No. 244) is denied as premature. The dates for expert disclosure will be set by this Court well in advance of trial and at a time when a trial date is more certain.

BY THE COURT:



---

Donetta W. Ambrose  
United States Senior District Judge

Dated: 8/24/2020